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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WHA

UNITED STATES OF AMERICA,

Plaintiff,

v.

(1) \$70,000 IN UNITED STATES
CURRENCY; (2) REMINGTON MODEL
742 WOODMASTER .308 CALIBER
RIFLE (SN 6925744); (3) WINCHESTER
MODEL X-70 30/30 RIFLE (SN
G1407073); (4) RUGER MODEL 10/22
0.22 CALIBER RIFLE (SN 234-54451);
(5) BROWNING GOLD HUNTER 12
GAUGE SHOTGUN (SN 113MM4921);
(6) NORINCO MAK-90 SPORTSTER
MAK 90 7.62X39MM CALIBER RIFLE
(SN 46098);

Defendants.

C No 07

3359

COMPLAINT FOR FORFEITURE

NATURE OF THE ACTION

1. This is a judicial forfeiture action, as authorized by 21 U.S.C. § 881(a)(6) and (11), involving the seizure of defendant firearms and defendant \$70,000 in United States Currency on or about February 13, 2007, during the execution of a search warrant authorizing the search of the residence at 3588 Pine Flat Road, Sant Cruz, California. Specifically, the United

1 States seeks to forfeit defendant \$70,000 and the five firearms listed as defendants two through
2 six in the caption above: (2) Remington Model 742 Woodmaster .308 Caliber Rifle (SN
3 6925744); (3) Winchester Model X-70 30/30 Rifle (SN G1407073); (4) Ruger Model 10/22 0.22
4 Caliber Rifle (SN 234-54451); (5) Browning Gold Hunter 12 Gauge Shotgun (SN 113mm4921) ;
5 (6) Norinco Mak-90 Sportster Mak 90 7.62x39mm Caliber Rifle (SN 46098).

6 JURISDICTION AND VENUE

7 2. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355(a), and 21 U.S.C.
8 § 881(a)(6) and (11).

9 3. Venue in this Court is proper because defendant were seized in the Northern
10 District of California. 28 U.S.C. §§ 1355(b) and 1395.

11 4. The intradistrict venue is proper in the San Francisco Division within the
12 Northern District of California.

13 PARTIES

14 5. Plaintiff is the United States of America.

15 6. The first defendant is \$70,000 in United States currency. Defendants two through
16 six are the firearms listed in the caption: (2) Remington Model 742 Woodmaster .308 Caliber
17 Rifle (SN 6925744); (3) Winchester Model X-70 30/30 Rifle (SN G1407073); (4) Ruger Model
18 10/22 0.22 Caliber Rifle (SN 234-54451); (5) Browning Gold Hunter 12 Gauge Shotgun (SN
19 113mm4921) ; (6) Norinco Mak-90 Sportster Mak 90 7.62x39mm Caliber Rifle (SN 46098).

20 FACTS

21 7. At approximately 6:20 a.m. on or about February 10, 2007, Special Agents of the
22 Drug Enforcement Administration ("DEA") as well as other law enforcement officers executed a
23 search warrant at 3588 Pine Flat Road, Santa Cruz, California, which is the residence of Jimmy
24 Dale Labranch ("LABRANCH"). Law enforcement officers knocked on the door, a door without
25 windows, and loudly announced their presence three times stating "Police, Search Warrant."
26 LABRANCH opened the door holding a pistol (later determined to be a loaded Colt 0.38 caliber
27 revolver, serial number 658635) in his right hand with the barrel pointed up toward the ceiling.
28 Agents could not determine if LABRANCH had his finger on the trigger but immediately

1 ordered LABRANCH to put the firearm down. LABRANCH placed the pistol on a kitchen
2 counter and then complied with agents' request to get on the ground. LABRANCH was
3 handcuffed for about 20 minutes until agents secured 3588 Pine Flat Road. A subsequent law
4 enforcement check of the Colt 0.38 caliber revolver identified it as a "destroyed" weapon that
5 was not to be in circulation. LABRANCH surrendered the Colt 0.38 caliber revolver to the Santa
6 Cruz Sheriff's Office.

7 8. During the search, law enforcement agents and officers found almost one
8 pound of processed marijuana in two different locations: Agents seized 405.2 grams of
9 marijuana from a storage area in the garage (the garage was part of the ground floor of the
10 residence) and 7.4 grams of marijuana from a bedroom on the ground floor. Defendant \$70,000
11 was found in Labranch's bedroom on the second floor. Four of defendant firearms listed as two
12 through five in the caption were found in the second floor bedroom closet: (2) Remington Model
13 742 Woodmaster .308 Caliber Rifle; (3) Winchester Model X-70 30/30 Rifle; (4) Ruger Model
14 10/22 0.22 Caliber Rifle; (5) Browning Gold Hunter 12 Gauge Shotgun. The fifth defendant
15 firearm listed as defendant six in the caption was found in a storage area under the staircase in
16 the ground floor bedroom: (6) Norinco Mak-90 Sportster Mak 90 7.62x39mm Caliber Rifle.

17 FIRST CAUSE OF ACTION – VIOLATION OF 21 U.S.C. § 881(a)(6)

18 9. The United States incorporates by reference the allegations in paragraphs one
19 through 8 as though fully set forth.

20 10. Section 881(a)(6) of Title 21 of the United States Code, provides for the
21 forfeiture of all money furnished or intended to be furnished by any person in exchange for a
22 controlled substance or listed chemical in violation of Subchapter I, Chapter 13 of Title 21
23 United States Code, all proceeds traceable to such an exchange and all money used or intended to
24 be used to facilitate any violation of Subchapter I, Chapter 13 of Title 21 United States Code.

25 11. Considering the totality of the circumstances as set forth in this Complaint,
26 defendant \$70,000 in United States Currency is subject to seizure and judicial forfeiture.

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SECOND CAUSE OF ACTION – VIOLATION OF 21 U.S.C. § 881(a)(11)

12. The United States incorporates by reference the allegations in paragraphs one through 11 as though fully set forth.

13. Section 881(a)(11) of Title 21 of the United States Code, provides for the forfeiture of any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, concealment of property described in Section 881(a)(1) and (2) of Title 21 of the United States Code.

14. Considering the totality of the circumstances as set forth in this Complaint, the five defendant firearms listed in the caption as defendants two through six are subject to seizure and judicial forfeiture.

* * * * *

Plaintiff United States of America requests that notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed of defendants; that thereafter, based on the evidence, the United States requests a judgment be entered decreeing the forfeiture of defendants; and further that the Court award the United States such other relief as may be proper and just.

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

Dated: 6/26/07


STEPHANIE M. HINDS
Chief, Asset Forfeiture Unit

Assigned to: 
AUSA Kenney

VERIFICATION


I, Carlos Alfaro, state as follows:

1. I am a Special Agent with the Drug Enforcement Administration Task Force, United States Department of Justice, and am the case agent. As such, I am familiar with the facts, the investigation and the reports leading to the filing of this Complaint for Forfeiture.

2. I have read the Complaint and believe the allegations contained in it to be true.

* * * * *

I declare under penalty of perjury that the foregoing is true and correct. Executed this 26th day of June, 2007, in Ukiah, California.



CARLOS G. ALFARO
Special Agent
Drug Enforcement Administration